

Application Serial No. 10/797,465
Amendment dated August 17, 2007
Reply to Final Office Action dated June 14, 2007

REMARKS

Applicants have filed a Request for Continued Examination along with the present Amendment pursuant to 37 C.F.R. §1.114.

Claims 40, 42-48, 56 and 58-66 are pending. Claims 1-39, 41, 49-55 and 57 have been canceled. Claims 65 and 66 have been added.

The Examiner rejected Claims 40, 42-48, 56 and 58-64 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,277,005 to Hellwig et al. ("Hellwig et al. '005") in view of U.S. Patent No. 6,851,226 to MacGregor et al. ("MacGregor et al. '226"). MacGregor et al. '226 has an effective filing date in the United States of February 15, 2002.

Responsive to the foregoing rejections, Applicants submit herewith the attached Declarations of the two co-inventors, Keith E. Metcalf and J. Douglas Mitchell, under 35 U.S.C. §1.131 (the "Metcalf" and "Mitchell" Declarations, respectively). The Metcalf Declaration establishes that Mr. Metcalf conceived and reduced to practice the invention defined by amended independent Claims 40, 56 and 61 before the effective filing date of MacGregor et al. '226 in the United States of February 15, 2002.

The Metcalf and Mitchell Declaration also establish that Mr. Metcalf and Mr. Mitchell conceived of the inventions defined by dependent Claims 42, 43, 45-48, 58, 59, 62, 63, 65 and 66.

In view of the foregoing, Applicants respectfully submit that MacGregor et al. '226 is not a proper prior art reference under 35 U.S.C. §102(e) with respect to at least amended independent Claims 40, 56 and 61, and Applicants respectfully request the Examiner to withdraw the rejections of such claims under 35 U.S.C. §103(a) as being unpatentable over Hellwig et al. '005 in combination with MacGregor et al. '226. Applicants further submit that amended independent Claims 40, 56 and 61, as well as the claims which depend therefrom, are in condition for allowance.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested. Specifically, Applicants respectfully submit that the application is in condition for allowance and respectfully request allowance thereof.

In the event Applicants have overlooked the need for an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby petition therefore and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

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Should the Examiner have any further questions regarding any of the foregoing, he is respectfully invited to telephone the undersigned at (260) 424-8000.

Respectfully submitted,



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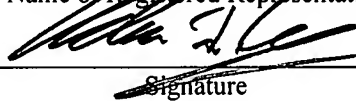
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Declarations (2)

CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: August 17, 2007

ADAM F. COX, REG. NO. 46,644

Name of Registered Representative



Signature

August 17, 2007

Date